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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,725	01/08/2002	Jeffrey A. Von Arx	279.396US1	5231

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EXAMINER

MANUEL, GEORGE C

ART UNIT PAPER NUMBER

3762

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/041,725	Applicant(s) VON ARX ET AL.	
	Examiner George Manuel	Art Unit 3762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 and 19-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duffin et al '976 in view of Mann et al '606 and further in view of Babitch et al '719.

Duffin et al teach using a monitor 30 for communicating with an implanted medical device 12. See Fig. 4.

Mann et al teach a wand 122 may comprise an RF link or an inductive link with an external programmer for communicating with an implanted device 110. See Fig. 1 and col. 37, line 3 to line 27.

One of ordinary skill in the art would have found it obvious to substitute the RF link between monitor 30 and the implanted device 12 in Duffin et al with an inductive link as taught by Mann et al because the environment in which the patient is situated may

Art Unit: 3762

not be compatible with an RF link and an inductive link is indicated as being a suitable substitution as taught by Mann et al.

Babitch et al teach using a wireless RF link comprising cordless telephones to connect two computers. Computer 20 may be adapted for internet access using the link 16. See col. 4, line 7 to line 16.

One of ordinary skill in the art would have found it obvious to link the monitor 30 of Duffin et al to the computer in the medical support network 50 using a wireless RF link in view of the teaching in Babitch et al for the phone line 32 because Duffin et al teaches the telephone communications hardware may be modified to provide the patient with more mobility and specifically suggests a cordless telephone may be substituted.

Regarding claim 4, one of ordinary skill in the art would have found it obvious to provide rechargeable batteries for the cordless telephone RF link because it is well known cordless telephone sets operate with rechargeable batteries.

Claims 13-18 and 27-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duffin et al '976 in view of Babitch et al '719.

Babitch et al teach using a wireless RF link comprising cordless telephones to connect two computers. Computer 20 may be adapted for internet access using the link 16. See col. 4, line 7 to line 16.

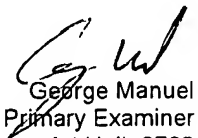
One of ordinary skill in the art would have found it obvious to link the monitor 30 of Duffin et al to the computer in the medical support network 50 using a wireless RF link in view of the teaching in Babitch et al for the phone line 32 because Duffin et al teaches the telephone communications hardware may be modified to provide the patient with more mobility and specifically suggests a cordless telephone may be substituted.

Regarding claims 7-11, 13-18, 21-24 and 27, Duffin et al teach the implanted device 12 can process a patient's electrogram and any measured physiological conditions employed in the diagnosis and store the data, for subsequent telemetry out on interrogation by the external programmer.

Regarding claims 1, 6, 13 and 28, Duffin et al does not specifically state buffering data; however, it is inherent the data transmitted between the implanted device 12 and the medical support network 50 is buffered. This is standard for data bus transfers of the type disclosed for buses 42 and 44.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Manuel whose telephone number is (571) 272-4952.


George Manuel
Primary Examiner
Art Unit: 3762

7/19/05